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SUBJECT: ECHR RECOMMENDS AGAINST RELIGIOUS AFFILIATION ON  
TURKISH ID CARDS

REF: 09 ISTANBUL 376

¶1. (U) Summary. On February 2, the European Court of Human Rights (ECHR) ruled that Turkey violated freedom of conscience and religion by including religious affiliation on national identification cards. The ECHR concluded that removing the religion box from the cards would be an appropriate step toward ending such violations, but the ECHR did not mandate such removal. Turkish citizens are not permitted to include some religious affiliations, including Baha'ism and Alevism, when registering with the GOT's Population Directorate, but can choose to leave religious affiliation blank. The information provided to the Population Directorate is then used by the Ministry of Interior on the Turkish ID cards. Such information is used to determine whether a Turkish citizen child is permitted to attend a minority school (only if one or more of the child's parents are Armenian, Greek Orthodox, or Jewish is the child permitted entrance to these schools.) Even if MOI removes the affiliation box from the ID card, Alevis and Baha'i will continue to face the same challenges with the Population Directorate without a similar change in the registration process as well. End Summary.

¶2. (U) On February 2, the European Court of Human Rights (ECHR) issued its judgment against Turkey in the case of Sinan Isik v. Turkey on the topic of the inclusion of religious affiliation on national identification cards. Turkish citizen Sinan Isik applied to the ECHR in 2005 after being unable to register "Alevi" as his religion on the Turkish national identification card. Ultimately, the ECHR ruled that Turkey violated Article 9 of the European Convention of Human Rights pertaining to freedom of conscience and religion.

¶3. (U) Greece was the last member of the European Union to abolish the requirement to list religious affiliation on national identity cards - in 2001 - despite the protests of the Greek Orthodox Church. According to surveying completed by professor Lina Molokotos at Sorbonne University, the Muslim minority in Greece was supportive of maintaining the religious affiliation listed on the identity card. Some minority communities considered the cards listing their Muslim religious affiliation to be the legal proof necessary to protect the special privileges accorded to minority religious communities by the Lausanne Treaty, such as education in special bilingual schools.

¶4. (U) In 2006, Turkey amended its Law on Population and Citizenship to allow citizens to leave blank the box for religious identity. However, the ECHR still found that a citizen's voluntary or compulsory indication of religion on national identification violated the principle of freedom

of conscience and religion. In its ruling, the court said that it was not the responsibility of the state to review its citizens' religious affiliation. Such action hampers the neutrality of the state on religious matters. The ECHR concluded that removing the religion box from the cards would be an appropriate step toward ending such violations. However, it did not mandate this action.

¶15. (U) The list of religious affiliation from which a Turkish citizen can choose has changed over time, once including various denominations of Christianity and Islamic sects, but now just offering "Christian" and "Islam" in addition to others. The list has never included Alevi or Baha'i as options, leading to complaints from members of these religious communities that they were prevented from self-identifying (Ref). While some Baha'i citizens choose to leave the religion box blank, others argue that they should have the option to self-identify if the national identity cards include a box for religious affiliation.

¶16. (SBU) President of the external affairs office of the Turkish Baha'i Community Cuneyt Can is optimistic that the GOT will make the change recommended by the ECHR, but predicts the process will be long and contentious. Specifically, he said some cabinet members opposed the idea of removing the religious affiliation requirement for several years. Can also argued that because the GOT does not collect religious affiliation information in its census, it relies on information gathered during registration to continue to claim that its population is 99 percent Sunni Islamic. Such assertions allow the GOT to justify policies and institutions aligned with Sunni Islam, such as the Diyanet (Directorate of Religion), Can

contended.

¶17. (U) President Fermani Altun of the AKP-aligned Alevi organization Ehl-i Beyt told us that he sees the ECHR ruling as positive and is optimistic that the GOT will change requirements for listing religious affiliation on identification cards. "In this day and age people should not be categorized or identified by religion."

¶18. (U) In a speech on February 3, PM Erdogan said he saw no reason why changes recommended by the ECHR could not be implemented; he noted that such changes would be in line with ongoing discussions in the Constitutional Court. (Note: Two weeks prior to the ECHR decision, Director of Political Affairs of the EU General Secretariat, Alp Ay, told us that removing the religious affiliation box was not a high priority for the GOT. End note.) Article 7 of the Turkish Population Services Law (5490) dictates what information is collected and recorded by the Population Directorate for the citizens in each neighborhood and village. According to Article 129 of Law 5490, the Ministry of Interior then determines what information from these family records is included on the identification cards. Law 5490 requires the Population Directorate to record the religious affiliation of each citizen in its archives, but Article 129 of the law does not necessarily require this information to be included on the identification cards. Former ECHR justice from Turkey Riza Turmen argued that the GOT is currently in violation of Article 24 of the Turkish Constitution which mandates that the GOT cannot compel a citizen to reveal his or her political or religious affiliation.

¶19. (SBU) Comment: In what would be the easier of bureaucratic options, the Ministry of Interior may choose to remove this box from the identification card (and comply with the ECHR recommendation) while the Population Directorate could feasibly continue to document information on religious affiliation. Simply stopping the inclusion of religious affiliation on ID cards would be an easy step to foster religious freedom in Turkey. All citizens must carry their ID card on them at all times. The cards are used for a variety of purposes - from identity checks at police stops and applying for jobs, to checking out

headphones for simultaneous interpretation during conferences. A religious affiliation box left blank or indicating a non-Islamic religion can raise suspicion among some members of the Turkish Republic long taught to fear non-Islamic subsets of the population. Removing this box on such a commonly used document would remove an instrument of potential discrimination. It is unlikely that the Population Directorate will stop requesting information on religious affiliation from new Turkish citizens. Such information is used to determine whether a Turkish citizen child is permitted to attend a minority school; only if one or more of the child's parents are Armenian, Greek Orthodox, or Jewish is the child permitted entrance to these schools. However, Alevis and Baha'i will continue to face the same challenges when trying to self-identify with the Population Directorate without a similar change in the registration process as well. End Comment.

WIENER